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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re
JOHN A. and DANIELLE T. RYAN,
Debtors

NICKLOS CIOLINO, et al.,
Plaintiffs
vs.
JOHN A. RYAN, et al.,
Defendants.

E. LYNN SCHOENMANN,
Plaintiff-in-Intervention
vs.
LAWRENCE CHAZEN, et al.,
Defendants.

Case No. 05-32933-DM-11

Chapter 11

Adversary Proceeding
No. 05-3428

**ANSWER OF DEFENDANTS JEAN L.
RYAN, LAWRENCE CAVALLINI
AND KATHY CAVALLINI TO
COMPLAINT IN INTERVENTION**

1
2 Come now Defendants Lawrence Cavallini, Kathy Cavallini and Jean Ryan and
3 answer the Complaint In Intervention ("Complaint") as follows:

4 **JURISDICTION**

5 1. Answering the allegations of Paragraphs 1 through 4 of the Complaint,
6 Defendants admit said allegations and admit that this Court has jurisdiction over this
7 adversary proceeding and that it is a core matter:

8 **PARTIES**

9 2. Answering the allegations of Paragraphs 5 through 13 of the Complaint,
10 Defendants admit said allegations.

11 **FACTUAL BACKGROUND**

12 3. Defendants admit the allegations of Paragraphs 14 and 15 of the
13 Complaint.

14 4. Defendants lack sufficient knowledge or information to form a belief
15 about the truth of the allegations contained in Paragraphs 16 and 17 of the Complaint
16 and on that basis deny them.

17 5. Defendants admit the allegations of Paragraph 18 of the Complaint

18 6. Defendants lack sufficient knowledge or information to form a belief
19 about the truth of the allegations contained in Paragraphs 19 and 20 of the Complaint
20 and on that basis deny them.

21 **FIRST CLAIM FOR RELIEF**

22 7. Defendants incorporate their responses to Paragraphs 1 through 20 of
23 the Complaint as though set forth in full.

24 8. As to any transfers made to these answering Defendants, Defendants
25 deny the allegations of paragraphs 22 through 24 of the Complaint.

26 **SECOND CLAIM FOR RELIEF**

27 9. Defendants incorporate their responses to Paragraphs 1 through 20 of
28 the Complaint as though set forth in full.

10. As to any transfers made to these answering Defendants, Defendants deny the allegations of paragraphs 26 through 29 of the Complaint.

THIRD CLAIM FOR RELIEF

11. Defendants incorporate their responses to Paragraphs 1 through 20 of the Complaint as though set forth in full.

12. As to any transfers made to these answering Defendants, Defendants deny the allegations of paragraphs 31 through 34 of the Complaint.

WHEREFORE, Defendants Lawrence Cavallini, Kathy Cavallini, and Jean L. Ryan pray judgment as follows:

1. For an order determining that the lien of the deed of trust granted to them in order to secure an indebtedness of \$750,000, which deed of trust was recorded on January 7, 2004, is prior in right to the liens and claims of all other defendants.

2. That the liens claims by defendants Nicklos Ciolino, Charles Ciolino, Daniel DeLorenzi, Robert Aguilar and Stephen Daniele pursuant to the writs of attachment recorded on or about June 21, 2002, are invalid and void, and said writs of attachment do not constitute liens against the property; and

3. For such other relief as is proper in the premises.

Dated: February 15, 2008

RAGGHIANTI FREITAS
A Limited Liability Partnership

By: /s/Patrick M. Macias
Patrick M. Macias
Attorneys for Defendants and Cross-claimants,
Jean L. Ryan, Kathy Cavallini, and Lawrence
Cavallini

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PROOF OF SERVICE

1. At the time of service I was over 18 years of age and not a party to this action.
2. My business address is 874 Fourth Street, Suite D, San Rafael, California 94901.
3. On February 15, 2008 I served the following document(s):

**ANSWER OF DEFENDANTS JEAN L. RYAN, LAWRENCE CAVALLINI
AND KATHY CAVALLINI TO COMPLAINT IN INTERVENTION**

4. I served the documents on the persons below, as follows:

See attached mailing list

5. The documents were served by the following means:

(a) ____ By personal service. I personally delivered the documents to the person(s) at the addresses listed in item 4. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

(b) x By United States mail. I enclosed the documents in a sealed envelope or package addressed to the person(s) at the addresses in item 4 and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Rafael, California.

(c) ____ By overnight delivery. I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the person(s) at the addresses in item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

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2 (d) ____ By messenger service. I served the documents by placing them in an
3 envelope or package addressed to the person(s) at the addresses listed in item 4 and
4 providing them to a professional messenger service for service.

5 (e) ____ By fax transmission. Based on an agreement of the parties to accept
6 service by fax transmission, I faxed the documents to the person(s) at the fax
7 numbers listed in item 4. I made such transmission from facsimile number 415-453-
8 8269, at _____.m. No error was reported by the fax machine that I used. A copy
9 of the record of the fax transmission, which I printed out, is attached.

10 (f) x By e-mail or electronic transmission. Based on a court order or an
11 agreement of the parties to accept service by e-mail or electronic transmission, I
12 caused the documents to be sent to the person(s) at the e-mail addresses listed in
13 item 4. I did not receive, within a reasonable time after the transmission, any
14 electronic message or other indication that the transmission was unsuccessful.

15 I declare under penalty of perjury under the laws of the State of California that
16 the foregoing is true and correct.

17 Executed on February 15, 2008 at San Rafael, California.

18 _____
19 /s/ Elaine J. Malfatti
20 Elaine J. Malfatti
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